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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR         | ATTORNEY DOCKET NO.                             | CONFIRMATION NO.                          |
|--|-------------|------------------------------|---|---|
| 09/751,199   | 01/02/2001  | Timothy Michael Ebertshauser | 9D-EC-19347-Ebertshauser                        | 8539                                      |
| <div>7590      07/09/2007</div> <div>John S Beulick<br/>Armstrong Teasdale LLP<br/>One Metropolitan Square<br/>Suite 2600<br/>St Louis, MO 63102</div> |             |                              |   |   |
|  |             |                              | <div>EXAMINER</div> <div>DANG, THANH HA T</div> |   |
|  |             |                              | <div>ART UNIT</div> <div>2163</div>             | <div>PAPER NUMBER</div>                   |
|  |             |                              | <div>MAIL DATE</div> <div>07/09/2007</div>      | <div>DELIVERY MODE</div> <div>PAPER</div> |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |  |  |
|------------------------------|-------------------------------|--|--|
| <b>Office Action Summary</b> | Application No.<br>09/751,199 | Applicant(s)<br>EBERTSHAUSER, TIMOTHY<br>MICHAEL |  |
|                              | Examiner<br>Thanh-Ha Dang     | Art Unit<br>2163                                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.  
     4a) Of the above claim(s) 18-21 and 57-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 22-56 and 61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-17, 22-56 and 61 are rejected in this Office Action.
2. This Action is made Final.

### ***Response to Amendment***

3. Receipt of Applicant's amendment filed 01/08/07 is acknowledged.
4. Applicant's amendment submitted on 01/08/07 overcomes the objections in connection with Drawings, Oath/Declaration that were given in the Office Action dated 09/06/06. Examiner hereby withdraws the objections given on the Office Action dated 09/06/06.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 10-17, 22-25, 28-30, 32-42, 45-47, 49-56 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US2002/0138289 issued to Thielges et al. ("Thielges"), and further in view of U.S. Patent No. 6,853,958 issued to Turin et al. ("Turin").

As to **Claims 1, 23 and 40**: *Thielges teaches* a method of maintaining information regarding an item, comprising:

- receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance (*Figure 2, block202, page 3 [0043, lines 3-5 – 0044, lines 1-9]*);
- *Thielges does not explicitly teach* storing the information in an electronic database; providing electronic access to the information; and providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item. However, *Turin teaches* storing the information in an electronic database (*column 12, line 57*); providing electronic access to the information (*Figure 4 wherein the website400 provides electronic access to the information, column 9, lines 11-20*); and providing additional information related to the item based on the information in order to encourage commerce related to the item (*Figure 5, block522, column 13, lines 18-24*). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to provide method and system which improve and overcome limitations of conventional repair and maintenance identification methods.

As to **Claims 2, 24 and 41**: *Thielges in combination with Turin teaches further comprising sending the information from a first computing unit (Turin, Figure 2, block224) prior to the receiving, wherein the receiving comprises receiving the information at a second computing unit (Turin, Figure 2, block208) coupled to the first computing unit via a communications network (Turin, Figure 2, label 222, column 8, lines 60-67).*

As to **Claims 3, 25 and 42**: *Thielges in combination with Turin teaches wherein the receiving comprises receiving the information at a second computing unit coupled to the first computing unit via a global computer network (Turin, Figures 2-3, wherein block304 and block222 illustrate a global computer network).*

As to **Claims 6, 28 and 45**: *Thielges in combination with Turin teaches wherein providing electronic access comprises providing electronic access to the information via a computing unit coupled to the electronic database via a communications network (Turin, Figure 3, column 8, lines 62-67).*

As to **Claims 7, 29 and 46**: *Thielges in combination with Turin teaches wherein providing electronic access comprises providing electronic assess to the information via a computing unit coupled to the electronic database via a global computer network (Turin, Figure 3, column 8, lines 62-67).*

As to **Claims 8, 30 and 47**: *Thielges in combination with Turin teaches further comprising associating a unique data pattern with the information for*

access thereto, and wherein providing electronic access is only performed if the unique data pattern is first received (*Turin, Figure 4, column 9, lines 11-17*).

As to **Claims 10, 32 and 49**: *Thielges in combination with Turin teaches wherein providing the additional information is performed in response to a request therefor (Thielges, Figure 2 wherein block202 represents a request, page 3 [0043] and block220 illustrates the performed additional information in response to the request, page 3 [0044]).*

As to **Claims 11, 33 and 50**: *Thielges in combination with Turin teaches wherein providing the additional information comprises:*

- receiving a request for at least one cost quote from at least one provider for work desired respecting the item (*Thielges, Figure 17, page 2 [0035]*);
- obtaining the at least one cost quote (*Thielges, Figure 17, page 3 [0037]*); and
- returning the at least one cost quote to the requestor (*Thielges, Figure 3, block310, page 4 [0046]*).

As to **Claims 12, 34 and 51**: *Thielges in combination with Turin teaches wherein receiving the request comprises electronically receiving the request (Thielges, page 3 [0036]) and providing at least some of the information stored in the database to the at least one provider to determine the at least one cost quote (Thielges, Figure 3, page 3 [0036], wherein step306 and 310 provide information stored in the database to at least one provider to determine at least one cost quote).*

As to **Claims 13, 35 and 52**: *Thielges in combination with Turin teaches wherein the requesting comprises: associating at least one temporary data pattern with the item (Thielges, Figure 1, block102 wherein the invitation code is equivalent to a temporary data pattern, page 3 [0039]); and providing the at least one temporary data pattern to the at least one provider for temporary access to the information thereby (Thielges, page 3 [0039] wherein access parameter is equivalent to a temporary access).*

As to **Claims 14, 36 and 53**: *Thielges in combination with Turin teaches further comprising associating a temporary data pattern with the item for allowing temporary access to at least some of the information by a potential purchaser of the item (Thielges, page 3 [0039] wherein access parameter is equivalent to a temporary access).*

As to **Claims 15 and 54**: *Thielges in combination with Turin teaches further comprising associating a data pattern with the information for full access thereto, wherein providing electronic access (Thielges, Figure 1, block110, 114, 116, 120, and 122, page 3 [0041]) is performed only if the data pattern is first received, the method further comprising providing the data pattern to the potential purchaser for full access to the information upon purchasing the item (Thielges, Figure 1, block110, 114, 116, 120, and 122, page 3 [0042]).*

As to **Claims 16 and 55**: *Thielges in combination with Turin teaches further comprising associating a new data pattern with the item and disassociating the data pattern from the item (Thielges, page 3 [0040] wherein*

*restricting a user from a user type is equivalent to disassociating the data pattern from the item).*

As to **Claim 37**, *Thielges in combination with Turin teaches further comprising means for associating a unique data pattern with the information for at least partial access thereto (Thielges, page 3 [0040] wherein restricting a user from a user type and company is equivalent to associating a unique data pattern with the information for at least partial access).*

As to **Claim 38**, *Thielges in combination with Turin teaches further comprising means for associating a different unique data pattern with the item and disassociating the unique data pattern from the item (Thielges, Figure 1, block106-120, page 3 [0041]).*

As to **Claims 17, 39 and 56**: *Thielges in combination with Turin teaches wherein providing the additional information comprises providing information regarding at least one of repairs, maintenance, upgrades, add-ons, complementary products, replacements, and costs for work respecting the item (Thielges, page 3 [0038]).*

As to **Claim 22 and 61**: *Thielges in combination with Turin teaches wherein providing the additional information comprises electronically providing the additional information (Thielges, page 3 [0036] wherein e-mail, fax, personal digital assistant, etc. are tools to electronically providing additional information).*



Claims 4-5, 9, 26-27, 31, 43-44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US2002/0138289 issued to Thielges et al. ("Thielges"), and further in view of U.S. Patent No. 6,853,958 issued to Turin et al. ("Turin") as applied to Claims 1, 23 and 40 above respectively, and further in view of U.S. Patent No. 6,922,701 issued to Ananian et al. ("Ananian").

**As to Claims 4, 26 and 43:**

*Thielges in combination with Turin teaches* the elements of Claims 1, 23 and 40 as stated above respectively.

*Thielges in combination with Turin does not explicitly teach* further comprising transferring the information from another database prior to the receiving, wherein the receiving comprises receiving the information from the another database. However,

*Ananian teaches* further comprising transferring the information from the another database (*Figure 1, block100*) prior to the receiving, wherein the receiving comprises receiving the information from another database (*Figure 1, block40/block130*). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine generating cad independent interactive physical description remodeling, building construction plan database profile teaching of Ananian with system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing

property teaching of Thielges to provide method and system which implement method of interactively profiling a structure with a web browser over the internet to improve and overcome limitations of conventional repair and maintenance methods.

**As to Claims 5, 27 and 44:**

*Thielges in combination with Turin teaches the elements of Claims 1, 23 and 40 as stated above respectively.*

*Thielges in combination with Turin does not explicitly teach wherein the storing comprises storing the information in a relational electronic database. However,*

*Ananian teaches wherein the storing comprises storing the information in a relational electronic database (Ananian, column 11, line 47). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine generating cad independent interactive physical description remodeling, building construction plan database profile teaching of Ananian with system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to provide method and system which implement method of interactively profiling a structure with a web browser over the internet to improve and overcome limitations of conventional repair and maintenance methods.*

**As to Claims 9, 31 and 48:**

*Thielges in combination with Turin teaches the elements of Claims 1, 23 and 40 as stated above respectively.*

*Thielges in combination with Turin does not explicitly teach wherein the item comprises a building, and wherein the information comprises at least one of building plans, a building material identification, a building component identification, an appliance identification, and a contractor identification. However,*

*Ananian teaches wherein the item comprises a building (Abstract), and wherein the information comprises at least one of building plans, a building material identification, a building component identification, an appliance identification, and a contractor identification (column 8, lines 57-60). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine generating cad independent interactive physical description remodeling, building construction plan database profile teaching of Ananian with system and method for collecting and disseminating household information and for coordinating repair and maintenance services teaching of Turin with system and method for managing property teaching of Thielges to provide method and system which implement method of interactively profiling a structure with a web browser over the internet to improve and overcome limitations of conventional repair and maintenance methods.*

***Citation of Pertinent Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Thomas J. Perkowski (US Patent No. 6,625,581), "Method of and System for Enabling the Access of Consumer Product Related Information and the Purchase of Consumer Products at Points of Consumer Presence on the World Wide Web (WW) at which Consumer Product Information Request (CPIR) Enabling Servlet Tags Are Embedded Within HTML-Enclosed Documents".
  - Murakami et al. (US Patent No. 6,772,096), "Remote Maintenance System".
  - Natalini et al. (Pub. No. US2002/0095269), "System for Monitoring and Servicing Appliances".
  - Kari M. Maki (Pub. No. US2002/0052715), "Maintenance Management System for a Production Plant".
  - Jeffrey Todd Di Lallo (Pub. No. US2002/0010613), "Managed Automobile Repair and Preventive Maintenance System".
  - Dennis a. Borugian (US Patent No. 6,701,231), "Vehicle Security and Maintenance".
  - Wight et al (US Patent No. 6,917,941), "Method and Apparatus for Creation and Maintenance of Database Structure".

- Endo et al. (Pub. No. US2002/0010662), "Component Management System and Method".
- Dragon et al. (US Patent No. 6,625,616), "Method and Apparatus for Material Requirements Planning".
- Hull et al. (US Patent No. 6,598,056), "Remotely Accessible Building Information System".
- Joel L. Singer (Pub. No. US2002/0111846), "System and Method for Automatic Maintenance Reminders".

### ***Response to Arguments***

7. Applicant's arguments filed 01/08/07 have been fully considered but they are not persuasive. Examiner respectfully maintains the rejection cited for the following reasons:

- Applicant argues: in paragraph 3 of page 13, Applicant stated that "Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention."

Examiner responds: In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include

knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

- Applicant argues: in paragraph 3 of page 14, Applicant stated that "Neither Thielges nor Turin, considered alone or in combination, describes or suggests a method of maintaining information regarding an item, as recited in Claim 1" (similar claims 23 and 40).

Examiner responds: Examiner is not persuaded. Thielges' teaching on page 3 [0043, lines 3-5] wherein reporting incidents: i.e. service request, maintenance reminder, events associated with managing property (wherein property read on the item limitation); and page 3 [0044, lines 1-9] wherein the example illustrating items which required maintenance read on receiving information regarding a specification to the item prior to a user making a decision of a change to the item wherein the item requires maintenance claimed limitation. Further, Turin's teaching in column 11, lines 25-29 and lines 35-42 wherein providing a recommendation for a scope of repair or maintenance, discussing alternatives, guidance and advice read on providing additional information related to the item based on the information in order to encourage decision of the at least one change to the item claimed limitation.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

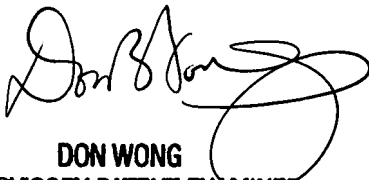
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh-Ha Dang  
Examiner  
Art Unit 2163

  
**DON WONG**  
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